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Agenda item 54

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Algeria, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brunei Darussalam, Cuba, Djibouti, Ecuador, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, South Africa, Sudan, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen and State of Palestine: draft resolution

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, including resolution 71/97 of 6 December 2016, as well as those resolutions adopted at its tenth emergency special session,

Recalling also the relevant resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981, 904 (1994) of 18 March 1994 and 2334 (2016) of 23 December 2016,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

Affirming that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva

[1] United Nations, *Treaty Series*, vol. 75, No. 973.

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Convention[1] and relevant provisions of customary law, including those codified in Additional Protocol I[2] to the four Geneva Conventions,[3]

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,[4] and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting that the International Court of Justice concluded that "the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law",[5]

Taking note of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,[6]

Recalling the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[7]

Recalling also the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014[8] by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, aimed at ensuring respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,

Recalling further the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[9] and the subsequent implementation agreements between the Palestinian and Israeli sides,

Recalling the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[10] and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

Recalling also its resolution 67/19 of 29 November 2012,

Noting the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

Aware that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forced transfer of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the fragmentation of territory and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

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[1] Ibid., vol. 1125, No. 17512.
[2] Ibid., vol. 75, Nos. 970–973.
[3] See A/ES-10/273 and A/ES-10/273/Corr.1.
[4] Ibid., advisory opinion, para. 120.
[5] A/HRC/34/70; see also A/72/556.
[6] A/HRC/22/63.
[7] A/69/711-S/2015/1, annex.
[8] A/48/486-S/26560, annex.
[9] S/2003/529, annex.

Bearing in mind the extremely detrimental impact of Israeli settlement policies, decisions and activities on the ongoing regional and international efforts to resume and advance the peace process, on the prospects for the achievement of peace in the Middle East in accordance with the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, and on the viability and credibility of that solution,

Expressing grave concern about the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and condemning those activities as violations of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map and as actions in defiance of the calls by the international community to cease all settlement activities,

Deploring in particular Israel's construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

Taking note of the Quartet report of 1 July 2016,[1] and stressing its recommendations, as well as its recent statements, including of 30 September 2015, 23 October 2015, 12 February 2016 and 23 September 2016, in which the Quartet members concluded that, inter alia, the continuing policy of settlement construction and expansion, designation of land for exclusive Israeli use and denial of Palestinian development, including the recent high rate of demolitions, are steadily eroding the two-State solution,

Deploring the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern, in particular, about the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline of socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudge future negotiations and make the two-State solution physically impossible to implement,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Condemning acts of violence and terror against civilians on both sides, and recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

Condemning also all acts of violence, destruction, harassment, provocation and incitement by Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands, as well as acts of terror by several extremist Israeli settlers, and calling for accountability for the illegal actions perpetrated in this regard,

[1] S/2016/595, annex.

Taking note of the relevant reports of the Secretary-General, including pursuant to Security Council resolution 2334 (2016),[12]

Noting the special meeting of the Security Council convened on 26 September 2008, as well as the meeting of the Council of 18 February 2011,

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49, and to comply with all of its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

3. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979), 452 (1979) of 20 July 1979, 465 (1980), 476 (1980), 1515 (2003) of 19 November 2003 and 2334 (2016);

4. *Recalls* the affirmation by the Security Council, in its resolution 2334 (2016), that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations,

5. *Condemns* settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced transfer of civilians and the de facto annexation of land;

6. *Calls for* the consideration of measures of accountability, in accordance with international law, in the light of continued non-compliance with the demands for a complete and immediate cessation of all settlement activities, stressing that compliance with and respect for international humanitarian law and international human rights law is a cornerstone for peace and security in the region;

7. *Stresses* that a complete cessation of all Israeli settlement activities is essential for salvaging the two-State solution on the basis of the pre-1967 borders, and calls for affirmative steps to be taken immediately to reverse the negative trends on the ground that are imperilling the viability of the two-State solution;

8. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;[4]

9. *Reiterates its call for* the prevention of all acts of violence, destruction, harassment and provocation by Israeli settlers, especially against Palestinian civilians and their properties, including historic and religious sites and including in Occupied East Jerusalem, and their agricultural lands;

10. *Calls for* accountability for the illegal actions perpetrated by Israeli settlers in the Occupied Palestinian Territory, and stresses in this regard the need for

[12] A/72/296, A/72/314, A/72/538, A/72/539, A/72/564 and A/72/565.

the implementation of Security Council resolution 904 (1994), in which the Council called upon Israel, the occupying Power, to continue to take and implement measures, including the confiscation of arms, aimed at preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

11. *Stresses* the responsibility of Israel, the occupying Power, to investigate all acts of settler violence against Palestinian civilians and their properties and to ensure accountability for these acts;

12. *Calls upon* all States and international organizations to continue to actively pursue policies that ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlement activities;

13. *Recalls*, in this regard, the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014[a] by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and welcomes in this regard initiatives by States parties, both individually and collectively, in accordance with article 1 of the Convention, aimed at ensuring respect for the Convention;

14. *Also recalls* that the Security Council, in its resolution 2334 (2016), called upon all States to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;

15. *Calls upon* all States, consistent with their obligations under international law and the relevant resolutions, and bearing in mind the advisory opinion of the International Court of Justice of 9 July 2004, not to render aid or assistance in maintaining the situation created by illegal settlement activities;

16. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011,[13] concerning the Guiding Principles on Business and Human Rights[14] and other relevant international laws and standards, and to ensure the implementation of the United Nations "Protect, Respect and Remedy" Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

17. *Requests* the Secretary-General to report to the General Assembly at its seventy-third session on the implementation of the present resolution.

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[13] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. III, sect. A.

[14] A/HRC/17/31, annex.